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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,827	10/12/2001	Leonard Allan Dodd		4469

4859 7590 11/12/2003

MACMILLAN SOBANSKI & TODD, LLC
ONE MARITIME PLAZA FOURTH FLOOR
720 WATER STREET
TOLEDO, OH 43604-1619

EXAMINER

ROYAL, PAUL

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 11/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/976,827

Applicant(s)

DODD, LEONARD ALLAN

Examiner

Paul Royal

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 5-6, 8-9, 11-13, 15, 17, 19-20, 22 is/are rejected.
- 7) ☐ Claim(s) 7, 10, 14, 16, 18, 21, 23 and 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 23 July 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The amendment filed 23 July 2003 has been entered.

Drawings

2. The drawings were received on 23 July 2003. These drawings are approved.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 5, 8, 11-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Patmont et al. (US 6,347,681).

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Patmont et al. teaches a collapsible mini scooter, the mini scooter including a base platform having front and rear wheels rotatably mounted at front and rear ends thereof respectively and a steering column coupled to the front wheel for steering the mini scooter, scooter further comprising:

- an electric motor (24) having a rotatable spindle (25);

- a bracket (182) adapted to mount said motor adjacent the mini scooter rear wheel (22) in a position for drivingly engaging the rear wheel with said spindle;

- a battery pack (56) adapted to be mounted on the mini scooter base platform for generating electrical power to operate said motor;

- wiring (44) for electrically connecting said battery pack to said motor; and

- a manually actuatable switch on/off pushbutton switch (42) adapted to be mounted on the mini scooter steering column and connected to said wiring for selectively applying electrical power from said battery pack to said motor thereby rotating the rear wheel;

- a battery tray (50) retaining said battery pack (56).

- an electrical relay (106) connected between said motor (24) and said battery pack (56) in series with said wiring (44)

- including a control circuit (100) connected between said relay (106) and said switch (42) whereby actuation of said switch actuates said relay to apply the electrical power from said battery pack to said motor.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6, 9, 15, 17, 19-20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patmont et al. in view of Patmont (US 6,095,274).

Patmont et al., as applied to claim 5 teaches a scooter having the claimed limitations except a foot brake pivotally attached to said bracket for engaging the rear wheel to prevent rotation thereof and means for releasably attaching the battery tray with an underside of the base platform.

Patmont '274 teaches a scooter having means (42, 44) for releasably attaching the battery tray with an underside of the base platform and a foot brake (60) pivotally attachable to said bracket for engaging the rear wheel to prevent rotation thereof.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the scooter of Patmont et al. to include and means for releasably attaching the battery tray with an underside of the base platform and a foot brake pivotally attached to said bracket for engaging the rear wheel, as taught by Patmont, to prevent rotation thereof.

Allowable Subject Matter

6. Claims 7, 10 14, 16, 18, 21 and 23-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: the prior art does not show a scooter retrofit kit including:

For claim 7, the retrofit kit according to claim 5 including a thumb screw threadably engaging said bracket for selective movement of said bracket to engage and disengage said spindle with the rear wheel.

For claim 10, the retrofit kit according to claim 9, including hook and loop fasteners for releasably attaching said battery pack with an underside of the base platform.

For claim 14, the retrofit kit according to claim 5 including a control circuit having a contact strip adapted to be attached to a head tube extending from the base platform and a contact bar adapted to be attached to the steering column, said contact strip and said contact bar cooperating to provide an electrical connection between said wiring and said switch.

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For claim 16, the retrofit kit according to claim 15 including a thumb screw threadably engaging said bracket for selective movement of said bracket to engage and disengage said spindle with the rear wheel.

For claim 18, the retrofit kit according to claim 17 including hook and loop fasteners for releasably attaching said battery pack with an underside of the base platform.

For claim 21, the retrofit kit according to claim 15 including a control circuit having a contact strip adapted to be attached to a head tube extending from the base platform and a contact bar adapted to be attached to the steering column, said contact strip and said contact bar cooperating to provide an electrical connection between said wiring and said switch.

For claim 23, the retrofit kit according to claim 22 including a thumb screw threadably engaging said bracket and adapted to contact said base platform for selectively pivoting said bracket to engage and disengage said spindle with the rear wheel.

For claim 24, the retrofit kit according to claim 22 including hook and loop fasteners for releasably attaching said battery pack with an underside of the base platform.

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Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Patmont et al. '584 teaches a scooter. Patmont et al. '302 teaches a scooter. Fruechtenicht teaches a surfing scooter. Mc green teaches a collapsible scooter. Patmont '452 teaches an electric scooter. Pepe teaches a motorized scooter. Lan teaches a scooter frame. Chang teaches a scooter. Mao teaches a skateboard vehicle.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Royal whose telephone number is 703-308-8570. The examiner can normally be reached on 8:30-4:30.

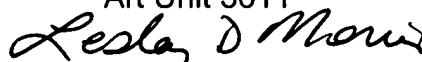
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



P. Royal
November 3, 2003

Paul Royal
Examiner
Art Unit 3611



LESLEY D. MORRIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600